

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 25-mj-02230-Sanchez

FILED BY CB D.C.

Feb 4, 2025

IN RE SEALED COMPLAINT

/

ANGELA E. NOBLE
CLERK U.S. DIST. CT.
S. D. OF FLA. - MIAMI

CRIMINAL COVER SHEET

1. Did this matter originate from a matter pending in the Central Region of the United States Attorney's Office prior to October 3, 2019 (Mag. Judge Jared M. Strauss)? No
2. Did this matter involve the participation of or consultation with Magistrate Judge Eduardo I. Sanchez during his tenure at the U.S. Attorney's Office, which concluded on January 22, 2023? No
3. Did this matter involve the participation of or consultation with Magistrate Judge Marty Fulgueira Elfenbein during her tenure at the U.S. Attorney's Office, which concluded on March 5, 2024? No
4. Did this matter involve the participation of or consultation with Magistrate Judge Ellen F. D'Angelo during her tenure at the U.S. Attorney's Office, which concluded on October 7, 2024? No

Respectfully submitted,

HAYDEN P. O'BYRNE
UNITED STATES ATTORNEY

By: /s/ Andres E. Chinchilla
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UNITED STATES DISTRICT COURT
for the
Southern District of Florida

United States of America)
v.)
ERICA BONTEMPO MESQUITA COSTA,) Case No. 25-mj-02230-Sanchez
)
)
)
)
Defendant(s)

CRIMINAL COMPLAINT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 17, 2025 in the county of Miami-Dade in the
Southern District of Florida, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
8 U.S.C. § 1326(a)	Re-entry of a removed alien

This criminal complaint is based on these facts:

SEE ATTACHED AFFIDAVIT.

Continued on the attached sheet.

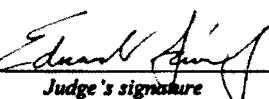

Complainant's signature

Luy Tran, Special Agent HSI

Printed name and title

Attested to by the Applicant in accordance with the requirements of Fed.R.Crim.P. 4.1 by Face Time

Date: February 4, 2025


Judge's signature

City and state: Miami, Florida

Honorable Eduardo I. Sanchez United States Magistrate Judge
Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Luy Tran, being duly sworn, do hereby depose and state the following:

INTRODUCTION

1. I am employed as a Special Agent with the United States Department of Homeland Security, Immigration and Customs Enforcement, Homeland Security Investigations (“HSI”), in Miami, Florida, and have been so employed since July 2023. I am currently assigned to the Human Smuggling Group, where I am responsible for investigating matters within the jurisdiction of the United States Department of Homeland Security, including violations of the immigration and customs laws of the United States. Prior to my employment with HSI, I was employed as a Police Officer for The Pentagon under the Department of Defense from 2020 through 2023. I attained my bachelor’s degree in Criminal Justice in 2019 and master’s degree in National Security/Homeland Security in 2023. I also served with honor as a Military Police Officer in the United States Army National Guard for 4 years. I have completed the Uniformed Police Training Program, Criminal Investigator Training program and HSI Special Agent Training Program at the Federal Law Enforcement Training Center regarding the proper investigative techniques including the application for and execution of search, arrest, and seizure warrants, for violations of federal laws including Title 8, United States Code, Sections 1324 and 1326.

2. The statements contained in this affidavit are based upon my own personal knowledge of this investigation, my previous training and experience, and based on information obtained in writing or orally from other people, including other law enforcement officials and other federal officials. Because this affidavit is being submitted in support of a criminal complaint, I have not included each and every fact known to law enforcement. I have set forth only the facts that I believe are necessary to establish probable cause.

3. I submit this Affidavit in support of a criminal complaint against Erica BONTEMPO MESQUITA COSTA ("BONTEMPO"), because there is probable cause to believe BONTEMPO having previously been removed and deported from the United States, entered, attempted to enter, and was found in the United States, knowingly and unlawfully without the Attorney General of the United States, or his successor, the Secretary of Homeland Security, having expressly consented to such alien's reapplying for admission, in violation of Title 8, United States Code, Section 1326(a).

FACTS IN SUPPORT OF PROBABLE CAUSE

4. On January 17, 2025, law enforcement discovered a total of twenty-five (25) undocumented aliens being transported in Miami, Florida. Among the individuals found was BONTEMPO, a Brazilian citizen. All (25) individuals were transferred to the custody of U.S Customs and Border Protection ("CBP") at Dania Beach Border Patrol Station for further identification checks and processing. During that time, law enforcement took the passenger's biometrics and checked their immigration records. The results of these checks and my research indicated that BONTEMPO did not have any proper immigration documentation or permission to enter the United States.

5. The checks confirmed that BONTEMPO did not have permission to enter the United States.

6. Additionally, the biometrics and immigration record checks confirmed that BONTEMPO had been previously removed from the United States.

7. Immigration records revealed that on or about June 1, 2005, BONTEMPO was ordered removed via an Immigration Judge. On or about July 11, 2007, BONTEMPO was removed from the United States to Brazil.

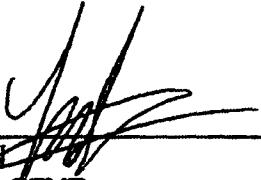
8. In a *post-Miranda* interview, BONTEMPO stated she had no documents to enter the United States. BONTEMPO stated she previously entered the United States and lived here for about two (2) years in New Jersey. BONTEMPO stated she was deported seventeen (17) years ago.

9. Records checks have confirmed that BONTEMPO has not received permission from the Attorney General or his successor, the Secretary of the Department of Homeland Security, to reenter or be present in the United States.

10. Based on my review of immigration records for BONTEMPO, I have also determined that she did not have the consent of the Attorney General of the United States or his/her successor, the Secretary of Homeland Security to apply for readmission to the United States.

11. Based on the foregoing facts, your affiant respectfully submits that there is probable cause to believe that BONTEMPO illegally re-entered the United States after being previously removed, in violation of Title 8, United States Code, Section 1326(a).

FURTHER AFFIANT SAYETH NAUGHT.



LUY TRAN
SPECIAL AGENT
HOMELAND SECURITY INVESTIGATIONS

Attested to by the applicant in accordance with the requirements of Fed.R.Crim.P. 4.1
by Face Time this 4th day of February 2025.



HONORABLE EDUARDO I. SANCHEZ
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF FLORIDA